

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

Case No: MD-05-0234A

4 **MARION A. JABCZENSKI, M.D.**

5 Holder of License No. **3812**
6 For the Practice of Allopathic Medicine
7 In the State of Arizona.

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

8 **INTRODUCTION**

9 The above-captioned matter came on for discussion before the Arizona Medical
10 Board on June 27, 2005. After reviewing relevant information and deliberating, the Board
11 considered proceedings for a summary action against Marion A. Jabczynski's
12 ("Respondent") license. Having considered the information in the matter and being fully
13 advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and
14 Order for Summary Suspension of License, pending formal hearing or other Board action.
15 A.R.S. § 32-1451(D).

16 **INTERIM FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for licensing and regulating the
18 practice of allopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 3812 for the practice of allopathic
20 medicine in the State of Arizona.

21 3. The Board initiated case number MD-05-0234A on May 2, 2005 after
22 receiving a complaint alleging that Marion A. Jabczynski, M.D. ("Respondent") has
23 impaired memory and judgment. Board Staff obtained and reviewed Respondent's
24 medical records. Based upon that review, a Board Medical Consultant recommended
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1 that Respondent undergo neuropsychometric testing to determine his ability to safely
2 engage in the practice of medicine.

3 4. On May 20, 2005 the Executive Director issued an Interim Order requiring
4 Respondent to undergo neuropsychometric testing.

5 5. Respondent complied with that Order and from June 1-3, 2005 underwent
6 neuropsychometric evaluation by Phillip D. Lett, Ph.D. Dr. Lett concluded that Respondent
7 suffers from a cognitive inefficiency that impairs his ability to safely engage in the practice
8 of medicine. The Board's Chief Medical Consultant reviewed Dr. Lett's findings and
9 concurred with Dr. Lett's conclusions.

10 6. Respondent's continued practice of medicine with impaired cognitive
11 faculties poses an imminent risk of harm to his patients.

12 7. The public health, safety or welfare imperatively requires emergency action
13 by the Board.

14 **INTERIM CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent, holder of License No. 3812 for the practice of allopathic medicine in the State
17 of Arizona.

18 2. The conduct and circumstances described above indicate that Respondent
19 may be mentally or physically unable safely to engage in the practice of medicine. A.R.S.
20 § 32-1451(A).

21 3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the
22 public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-
23 1451(D).

ORDER

Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above, IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice allopathic medicine in the State of Arizona, License No. 3812, is summarily suspended pending a formal hearing before an Administrative Law Judge from the Office of Administrative Hearings.

2. The Interim Findings of Fact and Conclusions of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against him. Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 28th day of June, 2005.

ARIZONA MEDICAL BOARD



By: Amade Ball
AMANDA J. DIEHL, MPA, CPM
Deputy Executive Director

ORIGINAL of the foregoing filed this 29th day of June, 2005, with:

The Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

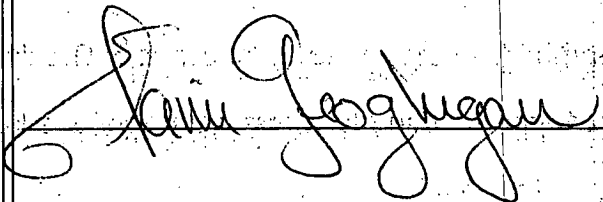
1 Executed copy of the foregoing mailed
2 this 29th day of June, 2005, to:

3 Frederick M. Cummings, Esq.
4 Jennings Strauss & Salmon, PLC
5 201 E. Washington St., 11th Floor
6 Phoenix, Arizona 85004

7 Marion A. Jabczynski, M.D.
8 (address of record)

9 Dean Brekke
10 Assistant Attorney General
11 Arizona Attorney General's Office
12 1275 West Washington, CIV/LES
13 Phoenix, AZ 85007

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A handwritten signature in black ink, appearing to read "Dean Brekke", is written over a horizontal line. The signature is fluid and cursive, with a large initial "D" and "B".